

Weekly Summary of Cases **National Labor Relations Board**

Week of June 14-18, 2010, W-3265

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Summarized Board Decision

Willis Roof Consulting, Inc. (28-CA-20852; 355 NLRB No. 48) Las Vegas, NV, June 17, 2010. [HTML] [PDF]

In a supplemental decision, the Board found that the employer, a roofing contractor, was obligated to make pension and health and welfare benefit contributions for the period December 30, 2005 through December 31, 2006. The Board agreed with the Administrative Law Judge that the existence of a collective-bargaining agreement for that period had previously been decided, and rejected the employer's contention that it did not receive notice of, and therefore was not bound by, the prior Board proceeding or the court's enforcement of the Board's Order.

The Board also agreed with the ALJ that the record failed to show that the collective-bargaining agreement contained an automatic rollover and so the employer was not obligated to make benefit contributions for years 2007 and 2008.

Charge filed by United Union of Roofers, Waterproofers, and Allied Workers, Local 162, AFL-CIO. Administrative Law Judge Burton Litvak issued his supplemental decision June 9, 2009. Chairman Liebman and Members Schaumber and Becker participated.

Tom Arand, P.C. d/b/a Animal Care Clinic (16-CA-26387; 355 NLRB No. 46) Round Rock, TX, June 14, 2010. [HTML] [PDF]

The Board granted the General Counsel's motion for summary judgment based on the Respondent's failure to file an answer to compliance specification. Charge filed by Equal Justice Center. Members Schaumber, Becker, and Pearce participated.

International Protective Services, Inc. d/b/a International Services, Inc. (20-CA-33500; 355 NLRB No. 47) San Francisco, CA, June 17, 2010. [HTML] [PDF]

The Board granted the General Counsel's motion for summary judgment based on the Respondent's failure to file an answer to the consolidated complaint and compliance

specification. Charge filed by an Individual. Chairman Liebman and Members Schaumber and Becker participated.

Unpublished Board Decisions in Representation Cases

Arbors at Fairlawn, LLC d/b/a Arbors at Fairlawn (8-RC-17024) Fairlawn, OH, June 14, 2010. No exceptions having been filed to the Regional Director's report recommending disposition of objections to an election held, the Board adopted the Regional Director's findings and recommendations, and found that a certification of representative should be issued. Petitioner – United Food & Commercial Workers, Local 880.

Lisbon Nursing Care, Inc. *d/b/a The Vista Center* (8-RC-17021) Lisbon, OH, June 14, 2010. No exceptions having been filed to the Regional Director's report recommending disposition of objections to an election held March 25, 2010, the Board adopted the Regional Director's findings and recommendations, and found that a certification of representative should be issued. Petitioner – Service Employees International Union, District #1199, the Healthcare and Social Service Union.

Recall Secure Destruction Services, Inc. (9-RC-18285) Lexington, KY, June 17, 2010. Order denying Petitioner's and Intervenor's request for review. Petitioner – United Food and Commercial Workers Union, Local 277. Chairman Liebman and Members Becker and Pearce participated.

McNeil Security, Inc. (3-RC-11751) Rochester, NY, June 17, 2010. Decision and Direction of Second Election – the Board reviewed the record in light of exceptions and briefs, adopted the Hearing Officer's findings and recommendations, and found that election should be set aside and a new election held. Petitioner – United Federation of Special Police and Security Officers, Inc. Chairman Liebman and Members Schaumber and Pearce participated.

Airtex Air Conditioning and Heating, Inc. (20-RC-18277) Rancho Cordova, CA, June 18, 2010. No exceptions having been filed to the Regional Director's report recommending disposition of objections to an election held January 13, 2010, the Board adopted the Regional Director's findings and recommendation, and remanded the proceeding to Acting Regional Director for further appropriate action. Petitioner – Sheet Metal Workers International Association, Local 162.

Decisions of Administrative Law Judges

Fresh & Easy Neighborhood Market, Inc. (21-CA-38882, 39100; JD(SF)-21-10) San Diego, CA. Charges filed by United Food and Commercial Workers International Union, Region 8 – Western. Administrative Law Judge William G. Kocol issued his decision June 3, 2010. (Inadvertently omitted from Weekly for week of June 1-4, 2010.). [HTML] [PDF]

Buonadonna Shoprite, LLC (29-CA-29720; JD(NY)-17-10) Bayshore and West Babylon, NY. Charge filed by United Food and Commercial Workers, Local 1500. Administrative Law Judge Mindy E. Landow issued her decision *June 3, 2010. (Inadvertently omitted from Weekly for week of June 1-4, 2010.)* [HTML] [PDF]

Amboy Care Center (22-CA-29214, 29276; JD(NY)-20-10) Perth Amboy, NJ. Charges filed by SEIU 1199 United Healthcare Workers East. Administrative Law Judge Joel P. Biblowitz issued his decision June 15, 2010. [HTML] [PDF]

Goya Foods, Inc. (29-CA-29945; JD(NY)-19-10) Bethpage, NY. Charge filed by an Individual. Administrative Law Judge Raymond P. Green issued his decision June 15, 2010. [HTML] [PDF]

Alta Bates Summit Medical Center (32-CA-24459, et al.; JD(SF)-25-10) Oakland, CA. Charges filed by National Union of Healthcare Workers. Administrative Law Judge Burton Litvack issued his decision June 16, 2010. [HTML] [PDF]

Covanta Bristol, Inc. (34-CA-12339, 12378; JD(ATL)-13-10) Bristol, CT. Charges filed by an Individual. Administrative Law Judge Michael A. Marcionese issued his decision June 16, 2010. [HTML] [PDF]

Saint John's Health Center (31-CA-29005, 29315; JD(SF)-23-10) Santa Monica, CA. Charges filed by California Nurses' Association/National Nurses Organizing Committee. Administrative Law Judge John J. McCarrick issued his decision June 16, 2010. [HTML] [PDF]

Continental Auto Parts (22-CA-29125; JD(NY)-21-10) Newark, NJ. Charge filed by United Auto Workers, Region 9, Local 2326. Administrative Law Judge Steven Davis issued his decision June 16, 2010. [HTML] [PDF]

The Southern New England Telephone Company d/b/a AT&T Connecticut, A Wholly Owned Subsidiary of AT&T (34-CA-12451; JD(NY)-22-10) New Haven, CT. Charge filed by Communication Workers of America. Administrative Law Judge Steven Fish issued his decision June 18, 2010. [HTML] [PDF]

Northwest Communities Education Center (19-CA-31777, et al.; JD(SF)-26-10) Granger, WA. Charges filed by Teamsters Local 760. Administrative Law Judge Gerald A. Wacknov issued his decision June 18, 2010. [HTML] [PDF]